

Mark Berkowitz
TARTER KRINSKY & DROGIN LLP
1350 Broadway
New York, NY 10018
Telephone: (212) 216-8000
Fax: (212) 216-8001
E-mail: mberkowitz@tarterkrinsky.com

Attorneys for Defendant

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

HOTALING & CO., LLC and
SANNITI LLC,

Plaintiffs,

v.

LY BERDITCHEV CORP.,

Defendant.

Civil Action No. 2:20-cv-16366

Assigned to:

Judge John Michael Vazquez
Magistrate Judge James B. Clark

Motion Date: February 16, 2021

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that on February 16, 2021 or at such time designated by the Court, upon the accompanying Memorandum of Law, and all of the prior pleadings and proceedings in this Action, Defendant LY Berditchev Corp. ("LYB"), by and through its undersigned counsel, shall move this Court for an Order, pursuant to Rules 12(b)(1) and 12(b)(7) of the Federal Rules of Civil Procedure, dismissing the Complaint (ECF No. 1) filed by Plaintiffs Hotaling & Co.,

LLC (“Hotaling”) and Sanniti LLC (“Sanniti”) (collectively, “Plaintiffs”). As discussed in the accompanying Memorandum, LYB seeks an Order dismissing the Complaint with prejudice for lack of standing and failure to join a necessary party, and granting LYB such other and further relief as the Court may deem just and proper.

Respectfully submitted,

Dated: January 18, 2021

By: s/ Mark Berkowitz

TARTER KRINSKY & DROGIN LLP
Mark Berkowitz (Bar No. 232472017)
1350 Broadway
New York, NY 10018
Telephone: (212) 216-8000
Fax: (212) 216-8001
E-mail: mberkowitz@tarterkrinsky.com

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on January 18, 2021, the foregoing document entitled **NOTICE OF MOTION TO DISMISS**, together with the supporting documents entitled **MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS** and **[PROPOSED] ORDER**, were filed with the Clerk of the Court by using the CM/ECF system, which will cause such documents to be served on all counsel of record identified below via transmission of Notice of Electronic Filing generated by CM/ECF:

Allison H. Altersohn
KING & SPALDING LLP
1185 Avenue of the Americas
New York, NY 10036
Tel.: (212) 556-2316
Email: aaltersohn@kslaw.com

David S. Gold
Elizabeth A. Carbone
COLE SCHOTZ PC
Court Plaza North
25 Main Street
Hackensack, NJ 07601
Tel.: (201) 489-3000
Email: dgold@coleschotz.com
ecarbone@coleschotz.com

s/ Mark Berkowitz